IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2041 of 2005

Between:

Kondaveti Audipa Setty, S/o Narayana Setty, Hindu,
Varini Village, Vidavaluru Mandal, Nellore District.

..... PETITIONER

AND

1 The Station House Officer, Vidavalur Police Station, Nellore District.
2 The Circle Inspector, Kovur Police Station, Kovur, Nellore District.
3 The Deputy Superintendent of Police, Nellore Rural, Nellore District.
4 The Superintendent of Police, Nellore, Nellore District.
5 Kondaveti Venkata Narayana, S/o Audipa Setty,
Varini Village and Post, Vidavaluru Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of mandamus, declaring the action of the respondents in not providing Police aid to the petitioner by receiving the complaint from him vide Docket Order passed in E.A.No. 85 of 2003 in E.P.No. 50 of 2003 in O.S. No. 357 of 2002 by the Principal Junior Civil Judge, Kovur, as illegal and arbitrary and consequently direct the respondents to implement the orders passed in O.S.No. 357 of 2002 on the file of the Principal Junior Civil Judge, Kovur and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MRS.A. BALA BHARATHI

Counsel for the Respondent Nos.1 to 4: GP FOR HOME

The Court made the following :

ORDER:

The petitioner filed O.S.No.357 of 2002 on the file of the Principal Junior Civil Judge, Kovur, seeking the relief of perpetual injunction against the fifth respondent. The suit was decreed on 21.03.2003 and the decree became final. Alleging that the interference by the 5th respondent is persisting, he filed E.P.No.50 of 2003. E.A.No.85 of 2003 was filed seeking police protection. The Executing Court passed an order directing the Station House Officer, Vidavalur P.S., to give protection for implementing the decree in O.S.No. 357 of 2002. Alleging that the first respondent has not taken any steps in pursuance thereof, this writ petition is filed.

Heard learned Counsel for the petitioner and the learned Government Pleader for Home.

It is the duty of the police to accord protection to the citizens, whenever they complain of any threat to their life or property. The duty of the police becomes most prominent when a Civil Court issues a direction to accord protection for implementation of a decree. There does not exist any justification for the first respondent in ignoring the specific order passed by the Executing Court in E.A.No.85 of 2003 in EP No.50/2003.

Therefore, the writ petition is allowed, directing the respondents 1 & 2 to accord necessary protection to the petitioner, for implementation of the decree in OS No. 357 of 2002 on the file of the Principal Junior Civil Judge, Kovur. There shall be no order as to costs.

10th February, 2005

NB:-

Furnish CC in three days.

B/o.

Kvrk/Pan

To

1 The Station House Officer, Vidavalur Police Station, Nellore District.
2 The Circle Inspector, Kovur Police Station, Kovur, Nellore District.
3 The Deputy Superintendent of Police, Nellore Rural, Nellore District.
4 The Superintendent of Police, Nellore, Nellore District.
5. Two CCs to GP for Home, High Court Buildings, Hyderabad(OUT)

6. Two CD copies.